

# Notice of Allowability

Application No.

10/679,218

Examiner

Charlie Peng

Applicant(s)

CHI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-5 and 7.
3. ☒ The drawings filed on 25 July 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20050824.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

  
Brian Healy  
Primary Examiner

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney for applicant T. Heims on 24 August 2005.

The application has been amended as follows:

**1. Please amend claim 1 as follows:**

Claim 1. An optical monitoring apparatus for use in a wavelength division multiplexing network for monitoring a wavelength division multiplexing (WDM) signal in a network system, comprising:

a pump laser;

a WDM coupler for coupling said WDM signal and said pump laser;

an erbium-doped fiber that is 6 meters in length [or less] receiving said WDM signal and said pump laser transmitted from said WDM signal, and scanning gain profile of said WDM signal;

a saturated tone light source for controlling said gain profile of said WDM signal;

[and]

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an optical circulator coupled with said erbium-doped fiber, receiving said saturated tone light source, and subsequently outputting an output signal with a specified frequency[.]; and

wherein said saturated tone light source is a distributed feedback (DFB) laser with a wavelength of 1540 nm and power of 15 dBm.

2. Please cancel claim 6.

3. In specification amendment (filed 07/25/2005), on page 4, second paragraph, line 10, please delete the phrase "or less".

### ***Specification***

The amendment filed 25 July 2005 is objected to under 35 U.S.C. §132(a) because it introduces new matter into the disclosure. 35 U.S.C. §132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the phrase "or less" (page 4, second paragraph, line 10) indicates the EDF can be less than a length of 6 meters stated in the original specification. The new matter will not be considered to be a part of the original application and is deleted as part of the Examiner's Amendment.

### ***Reasons for Allowance***

Claim 1 is allowed. Prior art teach an optical apparatus having a pump laser, a WDM coupler, an amplification EDF fiber, a second laser light source, and optical

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circulators, but not an EDF fiber 6 meters in length and a DFB laser as the controlling light source having a particular wavelength of 1540nm and a particular power of 15 dBm, nor is there an obvious reason to one having ordinary skill in the art for combination suggested by prior art. It is thus the examiner's opinion that the prior art of record, taken alone or in combination, fails to disclose or render obvious the particular length of the EDF, wavelength and power of the light source in combination with the rest of the limitations of the base claim.

Claims 2-5 and 7 are allowed by virtue of being dependent upon an allowed base claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlie Peng whose telephone number is (571) 272-2177. The examiner can normally be reached on 9 am - 6 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charlie Peng  
Charlie.Peng@uspto.gov  
August 24, 2005

A handwritten signature in black ink, appearing to read "B. Healy".

Brian Healy  
Primary Examiner